

PAYNE & FEARS LLP  
Attorneys at Law  
James T. Conley, Bar No. 224174  
One Embarcadero Center, Suite 2300  
San Francisco, CA 94111  
Telephone: (415) 398-7860  
Facsimile: (415) 398-7863

PAYNE & FEARS LLP  
Attorneys at Law  
Andrew J. Jarmillo, Bar No. 198303  
4 Park Plaza, Suite 1100  
Irvine, CA 92614  
Telephone: (949) 851-1100  
Facsimile: (949) 851-1212

Attorneys for Defendant  
HOME DEPOT U.S.A., INC.

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICK HUERTA,

Plaintiff,

V.

HOME DEPOT, U.S.A., INC., a  
Delaware corporation doing  
business in California and  
DOES 1-25

Defendants.

CASE NO. C 07 3520 PJH

STIPULATION TO CONTINUE  
DISCOVERY CUTOFF AS IT PERTAINS  
TO DEPOSITION OF PLAINTIFF;  
DECLARATION OF ANDREW J.  
JARAMILLO IN SUPPORT THEREOF;  
AND [PROPOSED] ORDER

Action Filed: May 25, 2007  
Trial: September 22, 2008

Pursuant to Local District Court Rules 6-2 and 7-12,  
plaintiff Rick Huerta ("Plaintiff") and defendant The Home Depot  
U.S.A., Inc. ("Defendant") hereby stipulate that the discovery  
cutoff in this action, currently set for April 11, 2008, be  
continued until May 29, 2008, solely as it pertains to the  
deposition of Plaintiff. As set forth in the accompanying

1 declaration, the reason for this stipulation is that Plaintiff is  
2 unavailable to attend his deposition which was noticed for April  
3 8, 2008, and will be unavailable to attend his deposition at any  
4 other time before the discovery cutoff.

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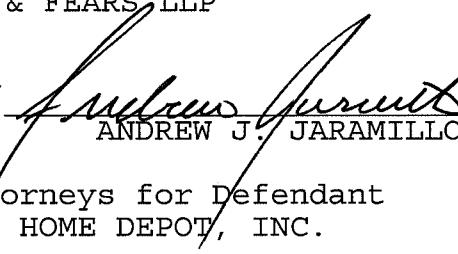
6 DATED: April 7, 2008

PAYNE & FEARS LLP

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By:/s/

  
ANDREW J. JARAMILLO

9 Attorneys for Defendant  
10 THE HOME DEPOT, INC.

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DATED: April 7, 2008

UNITED EMPLOYEES LAW GROUP, P.C.

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By:/s/

  
GREGORY DOUGLAS

15 Attorneys for Plaintiff  
16 RICK HUERTA

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Declaration of Andrew J. Jaramillo  
in Support of Stipulation and Proposed Order

I, Andrew J. Jaramillo, declare as follows:

1. The stipulated request to extend the discovery cutoff only as it pertains to the taking of Plaintiff's deposition is based upon the fact that, according to Plaintiff's counsel, Plaintiff is unavailable to attend his properly-noticed deposition on April 8, 2008 and is unavailable to attend on any other day prior to the discovery cutoff.

2. No other time modifications have been made in this case either by stipulation or Court order.

3. The extension of the discovery cutoff until May 29, 2008, for the sole purpose of taking Plaintiff's deposition would have no appreciable effect on the schedule for the case.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed in Irvine, California on April 7, 2008.

1/8/ Andrew J.  
Andrew J. Jaramillo

1 [PROPOSED] ORDER  
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3 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
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6 Dated: \_\_\_\_\_ Hon. Phyllis J. Hamilton  
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